

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FERNANDEZ INNOVATIVE TECHNOLOGY)
LLC,)

Plaintiff,)

v.)

GENERAL MOTORS CORPORATION;)
MERCEDES-BENZ U.S.A., INC.;)
TOYOTA MOTOR SALES, U.S.A., INC.;)
BMW OF NORTH AMERICA LLC; and)
@ ROAD INC.,)

Defendants.)

Civil Action No. 07CV1397

The Hon. Virginia Kendall
Magistrate Maria Valdez

DEFENDANT BMW OF NORTH AMERICA, LLC'S INITIAL DISCLOSURES

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Defendant BMW of North America, LLC ("BMWNA") hereby makes the following initial disclosure to Plaintiff Fernandez Innovative Technology LLC ("FIT"). BMWNA has not been afforded a full opportunity to complete its investigation in this matter and therefore reserves the right to supplement or amend these disclosures as discovery in this case progresses.

**I. DISCLOSURE OF INDIVIDUALS LIKELY TO HAVE
DISCOVERABLE INFORMATION UNDER 26(a)(1)(A)**

| Name | Contact Information | Potential Subject of Discoverable Information |
|-----------------|--|--|
| Wayne Orchowski | May only be contacted through BMWNA's counsel, Howrey LLP. | BMWNA Sales |
| Marcus Fiege | May only be contacted through BMWNA's counsel, Howrey LLP. | BMWNA Engineering |

| Name | Contact Information | Potential Subject of Discoverable Information |
|---------------------|--|--|
| Michael Gruffke | May only be contacted through BMWNA's counsel, Howrey LLP. | BMWNA Engineering |
| Francis Dance | May only be contacted through BMWNA's counsel, Howrey LLP. | BMW Assist service |
| Todd Farrell | ATX Group 8550 Freeport Parkway Irving, Texas 75063-2547 | Telematic Services |
| Dennis S. Fernandez | 1175 Osborn Ave. Atherton, CA 94027 | U.S. Patent No. 6,963,899 and its prosecution |
| Irene Hu | 240 Avon Street Belmont, CA 94002 | U.S. Patent No. 6,963,899 and its prosecution |

II. DISCLOSURE OF CATEGORIES OF DOCUMENTS UNDER RULE 26(a)(1)(b)

| Document Category | Location |
|--|-----------------|
| Technical information regarding accused products | BMWNA |
| Sales information regarding accused products | BMWNA |
| Marketing information regarding accused products | BMWNA |
| Prior art references | Outside Counsel |
| Technical information regarding telematic services | ATX Group |

III. DISCLOSURE OF ADDITIONAL CATEGORIES OF DOCUMENTS UNDER RULE 26(a)(1)(B)

- Documents regarding the conception, development, and manufacture of the accused systems are believed to be located in Germany at non-party BMW AG.

- Documents regarding the patent-in-suit, FIT's infringement allegations and FIT's damages claim are believed to be located at FIT and/or FIT's current and/or former counsel.
- Certain prior art references, including Global Automotive Telematics Standard, are believed to be published by and located at Deutsche Telekom T-Mobile GmbH.

IV. DISCLOSURE OF CALCULATION OF DAMAGES UNDER RULE 26(a)(1)(C)

- Not currently applicable to BMWNA.

V. DISCLOSURE OF APPLICABLE INSURANCE POLICIES UNDER RULE 26(a)(1)(D)

At the present time, BMWNA is not aware of any insurance policies that are applicable under Rule 26(a)(1)(D). BMWNA continues to investigate this issue.

Respectfully submitted,

Dated: June 7, 2007

s/Todd L. McLawhorn

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CERTIFICATE OF SERVICE

I, Todd L. McLawhorn, hereby certify that Defendant BMW of North America, LLC's

Initial Disclosures was served by electronic filing using the CM/ECF system upon:

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on this 7th day of June, 2007.

/s/Todd L. McLawhorn

Counsel for BMW of North America, LLC